

113TH CONGRESS  
1ST SESSION

# S. 1374

To allow traditional foods to be served at public facilities.

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## IN THE SENATE OF THE UNITED STATES

JULY 25, 2013

Mr. BEGICH introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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# A BILL

To allow traditional foods to be served at public facilities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Traditional Foods  
5 Nourishment Act of 2013”.

**6 SEC. 2. DEFINITIONS.**

7       In this Act:

8           (1) ALASKA NATIVE.—The term “Alaska Na-  
9       tive” means a person who is a member of any Native  
10      village, Village Corporation, or Regional Corpora-  
11      tion, as those terms are defined in section 3 of the

1       Alaska Native Claims Settlement Act (43 U.S.C.  
2       1602).

3                     (2) FOOD SERVICE PROGRAM.—The term “food  
4       service program” includes—

5                         (A) food service at a residential child care  
6       facility with a license from an appropriate State  
7       agency;

8                         (B) a child nutrition program (as defined  
9       in section 25(b) of the Richard B. Russell Na-  
10      tional School Lunch Act (42 U.S.C. 1769f(b));

11                         (C) food service at a hospital, clinic, or  
12      long-term care facility; and

13                         (D) a senior meal program.

14                     (3) INDIAN; INDIAN TRIBE.—The terms “In-  
15      dian” and “Indian tribe” have the meanings given  
16      those terms in section 4 of the Indian Self-Deter-  
17      mination and Education Assistance Act (25 U.S.C.  
18      450b).

19                     (4) SECRETARY.—The term “Secretary” means  
20      the Secretary of Agriculture.

21                     (5) TRADITIONAL FOOD.—

22                         (A) IN GENERAL.—The term “traditional  
23      food” means food that has traditionally been  
24      prepared and consumed by an Indian tribe.

(B) INCLUSIONS.—The term “traditional food” includes—

- 3 (i) wild game meat;
  - 4 (ii) fish;
  - 5 (iii) seafood;
  - 6 (iv) marine mammals;
  - 7 (v) plants; and
  - 8 (vi) berries.

### **13 SEC. 3. FINDINGS; PURPOSES.**

14 (a) FINDINGS.—Congress finds that—

(1) consumption of traditional foods is proven to benefit health, physical well-being, and fitness;

(4) traditional foods such as wild salmon, marine mammals, migratory birds, moose, caribou, berries,

1       ries, and plants can have a positive health impact  
2       when consumed regularly;

3                 (5) the Department of Agriculture and the Eco-  
4       nomic Research Center have indicated that food  
5       from local sources is proven to be fresher and less  
6       processed and to retain more nutrients;

7                 (6) providing access to traditional foods in food  
8       service programs promotes healthier lifestyles;

9                 (7) many patients find that traditional foods  
10      provide comfort while undergoing treatment or re-  
11      covery;

12                 (8) opening food service programs to the dona-  
13      tion of traditional foods would aid patients receiving  
14      care in a public facility physically and mentally dur-  
15      ing the healing process;

16                 (9) food plays an incredibly large part in the  
17      culture and lifestyle of a community and expanding  
18      traditional food options to school systems would pro-  
19      mote more extensive cultural education;

20                 (10) by increasing demand for local produce,  
21      economic stimulation can occur, furthering the devel-  
22      opment of local communities;

23                 (11) providing local food donations can lower  
24      the cost of meal programs in schools, resulting in  
25      more financially stable beneficiaries and a reduction

1       in expenditures by the Federal Government on the  
2       child nutrition program (as defined in section 25(b))  
3       of the Richard B. Russell National School Lunch  
4       Act (42 U.S.C. 1769f(b));

5               (12) the program established by this Act would  
6       bring communities together;

7               (13) the expansion of opportunities for the do-  
8       nation of traditional foods supports hunters;

9               (14) game hunters are required to harvest all of  
10      the edible meat from most large game; and

11               (15) this Act provides a direct opportunity for  
12      hunters to donate the meat to food service pro-  
13      grams.

14       (b) PURPOSES.—The purposes of this Act are—

15               (1) to provide access to traditional foods in food  
16      service programs;

17               (2) to encourage increased consumption of tra-  
18      ditional foods to decrease health disparities among  
19      Indians, particularly Alaska Natives; and

20               (3) to provide alternative food options for food  
21      service programs.

22       **SEC. 4. SERVICE OF TRADITIONAL FOODS IN FOOD SERV-**

23               **ICE PROGRAMS.**

24       (a) PROGRAM.—Notwithstanding any other provision  
25      of law, the Secretary shall allow the donation to and serv-

1 ing of traditional food through a food service program at  
2 a public facility or a nonprofit facility, including a facility  
3 operated by an Indian tribe or a tribal organization, that  
4 primarily serves Indians if the operator of the food service  
5 program—

6                 (1) ensures that the food is received whole, gut-  
7                 ted, gilled, as quarters, or as a roast, without fur-  
8                 ther processing;

9                 (2) makes a reasonable determination that—

10                 (A) the animal was not diseased;

11                 (B) the food was butchered, dressed, trans-  
12                 ported, and stored to prevent contamination,  
13                 undesirable microbial growth, or deterioration;  
14                 and

15                 (C) the food will not cause a significant  
16                 health hazard or potential for human illness;

17                 (3) carries out any further preparation or proc-  
18                 essing of the food at a different time or in a dif-  
19                 ferent space from the preparation or processing of  
20                 other food for the applicable program to prevent  
21                 cross-contamination;

22                 (4) cleans and sanitizes food-contact surfaces of  
23                 equipment and utensils after processing the tradi-  
24                 tional food; and

1                             (5) labels donated traditional food with the  
2                             name of the food and stores the traditional food sep-  
3                             arately from other food for the applicable program,  
4                             including through storage in a separate freezer or  
5                             refrigerator or in a separate compartment or shelf in  
6                             the freezer or refrigerator.

7                             (b) LIABILITY.—

8                             (1) IN GENERAL.—The United States, an In-  
9                             dian tribe, and a tribal organization shall not be lia-  
10                            ble in any civil action for any damage, injury, or  
11                            death caused to any person by the donation to or  
12                            serving of traditional foods through a food service  
13                            program.

14                             (2) RULE OF CONSTRUCTION.—Nothing in  
15                             paragraph (1) alters any liability or other obligation  
16                             of the United States under the Indian Self-Deter-  
17                             mination and Education Assistance Act (25 U.S.C.  
18                             450 et seq.).

